

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7622 of 2007

Dated 16th July, 2007

Between

Mohd.Mhamood Khan

...Petitioner

and

The Commissioner, Qutbullahpur Municipality,
Ranga Reddy District, and, anr

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7622 of 2007

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the first respondent in not receiving his application for building permission and insisting for No Objection Certificate from the District Collector, Ranga Reddy District as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition that the petitioner is the owner of six independent plots bearing Nos. 81,82,83,84, 85 and 86 situated in Sy.No. 322 of Qutbullapur village and Mandal, Ranga Reddy District. It is the grievance of the petitioner that when the petitioner has applied for building permission to the first respondent-Commissioner, Qutbullapur Municipality, presently

covered by Greater Hyderabad Municipal Corporation, in one of the above said plots, the said authority is insisting for No Objection Certificate from the second respondent even for receiving the said application.

Grant of permission for building construction is governed by the provisions of the Hyderabad Municipal Corporation Act, 1955 and building bye-laws made thereunder. Under the provisions of the Hyderabad Municipal Corporation Act, 1955 and building bye-laws made thereunder, there is no requirement of getting No Objection Certificate from the second respondent for receipt of the application for building permission. While it is open for the first respondent to verify and process the application of the petitioner for building permission if the same is in accordance with the Hyderabad Municipal Corporation Act, 1955 and building bye-laws made thereunder, at the same time, at the outset, the application of the petitioner cannot be rejected, on the ground that it is not accompanied by No Objection Certificate obtained from the District Collector, Ranga Reddy District.

In that view of the matter, the Writ Petition is disposed of directing the first respondent-the Commissioner, Qutbullahpur Municipality, presently covered by Deputy Commissioner, Greater Hyderabad Municipal Corporation, Qutbullahpur circle, to receive the application of the petitioner without insisting for No Objection Certificate for grant of building permission in Plot No. 81 covered by Sy.No. 322 of Qutbullahpur and consider the same in accordance with the provisions of the Hyderabad Municipal Corporation Act, 1955 and building bye-laws made thereunder. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner. It is

open for the respondents to process the application of the petitioner on its own, if the same is otherwise in order as per the provisions of the Hyderabad Municipal Corporation Act, 1955 and building bye-laws made thereunder.

Subject to the above direction, the Writ Petition is disposed of.
No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 16-7-2007.
Msnr.